

REMARKS/ARGUMENTS

The applicant's attorney would like to thank the Examiner for her time during the telephone interview between her and Hank Woodward in April 2007. The Examiner and Mr. Woodward discussed language to overcome the 35 USC 101 and 35 USC 112 rejections.

Claims 1-2 have been canceled. Claims 3, 4, 9, 10, 12, 13, 18-22, 24-25, and 27 are amended. Claims 3-27 are pending.

Claim rejections under 35 USC § 112

The Examiner rejected claims 10-13 under 35 U.S.C. 112, second paragraph stating that the terms n , H_x , α , β , S_x , C_x , and d are undefined. Claim 10 has been amended to define n , α , and β . H_x and S_x are defined in claim 10. Claim 12 has been amended to state that matrix C_x and vector d formed by combining all linear constraint equations.

Claim rejections under 35 USC § 101

The Examiner rejected claims 1-27 under 35 U.S.C. 101 as being directed to non-statutory subject matter. New independent claims 3, 9, and 12 have been amended as discussed during the telephone interview.

Claim rejections under 35 USC § 102

The Examiner rejected claims 1-27 under 35 U.S.C. 102(f). Attached is a declaration by Dwight G. Nishimura disclaiming inventorship in the invention.

The Examiner rejected claims 1, 2, 4-8, and 13-24 under 35 U.S.C. 102(b) as being anticipated by Meyer et al. (US 6,020,739). Claims 1 and 2 have been canceled. Claims 4-8 have been amended to be ultimately dependent on claim 3. Claims 13-24 have been amended to be ultimately dependent on claim 9.

Claim rejections under 35 USC § 103

The Examiner rejected claims 25-27 under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (US 6,020,739) in view of Orlando Simonetti et al. Claims 25 and 27 have been amended to be dependent on claim 9.

Allowable Subject Matter

The Examiner stated that claims 3 and 9-12 were objected as being dependent upon a rejected base claim, and stated that they would be allowable if rewritten to include all of the limitations of the base claim and any intervening claim. Claims 3, 9, and 12 have been amended accordingly.

The Examiner stated that claims 10-12 would be allowable if amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph. The claims have been amended accordingly.

Claims 4-8, 10-11, and 13-27 have been amended to be depending on one of claims 3, 9, and 12. For at least this reason claims 4-8, 10-11, and 13-27 are allowable.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (408) 255-8001.

Respectfully submitted,
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